



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

SEP 30 2005

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-E 10597
(Ninth REVISION)

EXPIRATION DATE: August 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Thermo King Corporation
Minneapolis, MN
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, marking and sale of the temperature controlled equipment (Heat King) as described in Paragraph 7 below for use in motor vehicles engaged in the transportation in commerce of Class 3 liquids or Division 2.1 gases described in paragraph 3 below subject to the limitations and special requirements specified herein. This exemption provides no relief from any Hazardous Materials Regulation other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 177.834 (1)(2)(i) and § 172.203(a), in that marking the exemption number on shipping papers is waived.
5. BASIS: This exemption is based on the application of Thermo King Corporation dated September 9, 2005, submitted in accordance with § 107.109.

SEP 30 2005

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description - - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Materials classed as flammable liquids.	3	Various	I, II or III
Materials classed as flammable gases.	2.1	Various	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Materials in the classes identified above, properly packaged, may be shipped by highway vehicles equipped with the diesel-operated heating equipment described herein. The heating unit and the component parts must be as shown in Thermo King's Heat King technical bulletins which were submitted with the application. Three Heat King units are authorized (HK) (HKII) and (HKIII). Technical bulletins that apply to these three units are numbered TK 9204-2 (8-88), TK 30261 (9/93) and TK 30279 (6/94), respectively.

b. OPERATIONAL CONTROLS - Any electrical equipment in the lading space must be of non-sparking or explosion proof type. There must be no combustion equipment in the lading space, and no arrangement for return of air from the lading space to any combustion equipment. The heating system (including a required thermostatically controlled blower and radiator) must be such that no part of the lading will be heated to over 130°F. and must conform to 49 CFR 393.77. The heater unit and its fuel supply must be externally mounted on truck or trailer, must retain combustion in a sealed combustion chamber, must utilize outside air for combustion (air from the cargo space cannot be used for combustion) and gases from combustion must be exhausted to the outside of truck or trailer.

c. MARKING -

(1) Each Heat King System must be plainly and durably marked "DOT-E 10597".

SEP 30 2005

(2) Each Heat King System manufactured under the authority of this exemption must be marked with the THERMO KING 10-digit serial number which includes the product code, plant code and date code of manufacture in addition to the sequential unit number. This information will be on a metal tag attached to the unit with a decal marked with DOT-E 10597 and THERMO KING CORP, MINNEAPOLIS, MN.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this exemption may use Thermo King's Heat King System described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. A current copy of this exemption must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

c. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

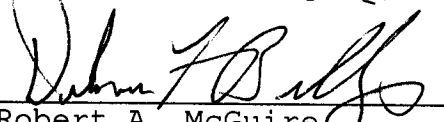
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:


Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 30 2005

DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: sln